

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**WILBER GLENN HOLLAND,**

**Plaintiff,**

V.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

**Defendant.**

Case No. 2:12-cv-01058-LDG-GWF

## ORDER

This matter comes before the court on defendant's motion for attorney's fees and interest (#56, opposition #57, reply #58). NRS 17.115 is the applicable law regarding an award of attorney's fees. See Kalenowsky v. Canyon Capital Funding Corp., 3:11-cv-0797-RCJ-VPC, 2013 WL 5741083 \*3(D. Nev. Oct. 22, 1013). In determining whether to grant attorney's fees to the party that obtains a result better than its offer of judgment, one of the court's considerations is whether the offeree's decision to reject the offer "was grossly unreasonable or in bad faith." Beattie v. Thomas, 668 P.2d 268, 274 (Nev. 1983). The court cannot say that defendant has so shown. The authority cited by defendant in arguing that plaintiff should be precluded from recovery because he refused to provide requested medical authorizations was persuasive but not controlling. Moreover, the court determined to allow discovery to proceed several months after defendant issued its offer of judgment, which allowed defendant to discover or move to compel the information plaintiff had not provided. This ruling arguably reduced the prejudicial impact to defendant of plaintiff's nondisclosure of the full extent of his medical condition. Under these circumstances,

1 THE COURT HEREBY ORDERS that defendant's motion for attorney's fees and  
2 interest (#56) is DENIED.

3  
4 DATED this 26 day of March, 2015.  
5  
6  
7

  
Lloyd D. George  
United States District Judge

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26